

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 ASALI M. RICHARDSON,

12 Plaintiff,

13 v.

14 ALLISON, et al.,

15 Defendants.
16

1:21-cv-00070-JLT (PC)

**ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS**

(Doc. 8)

**ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND**

17 Plaintiff is a prisoner proceeding *pro se* pursuant to 42 U.S.C. § 1983 and has requested
18 leave to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915. (Docs. 2, 6.) The Court
19 previously found that, with a monthly balance in excess of \$1,000.00 in her prisoner trust
20 account, Plaintiff had sufficient funds to pay the filing fee. (Doc. 7.) The Court ordered Plaintiff
21 to pay the filing fee or file a voluntary dismissal. *Id.* In response, Plaintiff submitted an updated
22 trust account statement indicating significantly less money in her account from November 2020 to
23 February 2021; Plaintiff states that she had no money in her account in March 2021 and \$100 in
24 April 2021. (Doc. 8.) Plaintiff further states that she is unopposed to monthly garnishment of her
25 trust account to pay the filing fee. *Id.*

26 Upon consideration of Plaintiff’s renewed request, the Court finds that she has made the
27 showing required by section 1915(a), and accordingly, the request to proceed IFP is granted.
28 Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §

1 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent
2 (20%) of the preceding month's income credited to Plaintiff's trust account. CDCR is required to
3 send to the Clerk of Court payments from Plaintiff's account each time the amount in the account
4 exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2). In accordance
5 with the above and for good cause shown, IT IS HEREBY ORDERED that:

6 1. Plaintiff's application to proceed in forma pauperis is **GRANTED**;

7 2. **The Director of the California Department of Corrections and Rehabilitation**
8 **or his designee shall collect payments from Plaintiff's prison trust account in an amount**
9 **equal to 20% of the preceding month's income credited to the prisoner's trust account and**
10 **shall forward those payments to the Clerk of Court each time the amount in the account**
11 **exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been**
12 **collected and forwarded to the Clerk of Court. The payments shall be clearly identified by**
13 **the name and number assigned to this action.**

14 3. The Clerk of Court is directed to serve a copy of this order and a copy of
15 Plaintiff's IFP applications (Docs. 2, 6, 8) to the Director of the California Department of
16 Corrections and Rehabilitation via the court's electronic case filing system (CM/ECF). The Clerk
17 of Court is directed to serve a copy of this order on the Financial Department, U.S. District
18 Court, Eastern District of California, Sacramento Division.

19
20 IT IS SO ORDERED.

21 Dated: May 19, 2021

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE